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May 14, 2007

The Honorable George A. Yanthis
United States Magistrate Judge
United States Courthouse
300 Quarropas Street, Room 118
White Plains, NY 10601-4150


RE: In re: Veeco Instruments Inc. Securities Litigation, 05 MD 1695 (CM) (GAY)

Dear Magistrate Judge Yanthis:

I am counsel to Plaintiffs in the above-captioned matter. I write to respond to Ross Wallin's letter of May 11 regarding the possible depositions of the parties' accounting experts.

Defendants received Mr. Berliner's report on April 11, 2007, a month before the May 11 discovery cutoff, yet they waited until May 3 to first communicate any interest in taking Mr. Berliner's deposition. I consented to mutual expert depositions after the discovery cutoff in the spirit of cooperation, and agreed to find out about Mr. Berliner's availability. See attached e-mail. I then learned that Mr. Berliner was leaving on vacation for several weeks, and would be unavailable until May 30. Since that is not acceptable to Defendants, and Mr. Berliner is not available at any earlier date, Defendants cannot have the relief they seek.

Respectfully Submitted,



Arthur Stock

AS/nsm

cc: John A. Herfort, Esq. (via e-mail)
Robert F. Serio, Esq. (via e-mail)
Shane T. Rowley, Esq. (via e-mail)

J. Ross Wallin, Esq. (via e-mail)
Robert Harwood, Esq. (via e-mail)
Paul J. Scarlato, Esq. (via e-mail)

Arthur Stock

From: Arthur Stock
Sent: Friday, May 04, 2007 12:48 PM
To: 'Wallin, J. Ross'
Cc: Carole Broderick; Phyllis Parker; Jeff Osterwise
Subject: Plaintiffs' position on expert depositions

In view of your delay in requesting a deposition of Dr. Feinstein, who was identified to you on March 23 but not requested for deposition until May 3 (and still not requested in writing), a week before the May 11 discovery deadline, Plaintiffs decline to consent to an extension of discovery deadlines for damages experts.

Plaintiffs will consent to a deadline extension to permit depositions of all parties' accounting experts. Please identify your expert and provide dates of availability in late May and early June. We are checking with Mr. Berliner.